

EXHIBIT A
Government Notice Letter



U.S. Department of Justice

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June 2, 2008

VIA ELECTRONIC MAIL

David M. C. Peterson, Esq.
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101

Re: United States v. Jose Juan Fernandez, Criminal Case No. 08CR0802-JAH

Dear Mr. Peterson:

This letter serves as the United States' notice of evidence to be presented at trial in the above-referenced case pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), and Federal Rules of Evidence 702, 703, and 705.

The United States' intends to elicit testimony from Sandra E. Rodriguez-Cruz, Forensic Chemist, Southwest Laboratory, Drug Enforcement Administration, United States Department of Justice. Ms. Rodriguez-Cruz will testify as an expert witness regarding the test results of the contraband seized from the Defendant's vehicle. She will also describe the process used to analyze the substance seized, including the receipt and handling of the contraband. Ms. Rodriguez-Cruz will opine that the sample tested is marijuana. Her opinions will be based on her background, education, experience and training. A copy of Ms. Rodriguez-Cruz's *curriculum vitae* is provided for your review.

Additionally, Ms. Rodriguez-Cruz will provide testimony similar to that stated above regarding the white powdery residue found on the electronic scale seized from Defendant's vehicle. Specifically, Ms. Rodriguez-Cruz will testify that the residue found on the electronic scale contains cocaine, methamphetamine, caffeine, and diltiazem.

Lastly, the United States' intends to elicit testimony from Special Agent Andrew Flood, Immigration and Customs Enforcement ("ICE"), United States Department of Homeland Security. Agent Flood will testify as an expert witness regarding the wholesale value and the retail or "street value" (in Mexico and the United States) of the marijuana found in the Defendant's vehicle. He will also testify that the marijuana seized is a quantity that is intended for distribution and is not a personal use amount. Further, as outlined in the United States' Motions In Limine, Agent Flood may testify regarding the *modus operandi* of drug couriers, if Defendant attempts to raise the issue that Defendant was an "unknowing courier." Agent Flood

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will base his opinions upon his background, education, experience and training. A copy of Agent Flood's qualifications is attached for your review. Also, a "drug value chart" prepared by Agent Flood will be provided under separate cover.

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(C), the United States hereby requests a similar written summary regarding any experts that the Defendant may call at trial. Please contact me if you have questions or if Defendant is interested in entering into a stipulation regarding drug type and quantity.

Very truly yours,

KAREN P. HEWITT
United States Attorney

/s/ Paul L. Starita
PAUL L. STARITA
Assistant United States Attorney

Attachments:

- (1) Ms. Rodriguez-Cruz's *curriculum vitae*
- (2) ICE Special Agent Flood's qualifications